

dogfish for sale, dealers purchasing this species from permitted vessels, and party and charter boats in the spiny dogfish fishery. It is anticipated that operators of commercial vessels (vessels with permits to sell spiny dogfish) and operators of party and charter boats will be required to obtain permits.

It is anticipated that vessels landing spiny dogfish for sale would need to submit logbooks. It is anticipated that dealers purchasing these species from permitted commercial vessels would need to submit reports. It is anticipated that operators of charter and party boats would need to submit logbooks.

In the Paperwork Reduction Act (SF-83) forms prepared by NMFS for Amendment 2 to the Summer Flounder FMP, the Dealer Purchase Report was estimated to involve 1,255 respondents and 26+ responses per respondent per year, for a total of 33,135 responses at 0.0448 hours per response, for a total of 1,485 hours. The Vessel Logbook was estimated at 1,314 respondents, 12 responses per respondent, at 0.08 hours per response, for a total of 1,261 burden hours. The Vessel Permit was estimated at 24,943 annual responses at 0.2878 hours per response, for a total of 7,179 burden hours.

Similar burden hours should be experienced through spiny dogfish management. These burden hours may be reduced if vessels with summer flounder permits qualify for the spiny dogfish fishery. Currently, operating permits are required in the Northeast Multispecies, Atlantic Sea Scallop, and Summer Flounder fisheries. It is expected that the burden hours for the operator permit for spiny dogfish would be similar to those estimated for the operator permit for the Summer Flounder fishery.

Timetable for EIS Preparation and Decision Making

The Councils have adopted a tentative FMP preparation, review, and approval schedule for spiny dogfish. Under this schedule, the draft EIS is planned for completion during 1998. If an acceptable draft is completed, the Councils could decide in 1998 whether to submit the draft EIS for public review. Oral comments to the Councils on their decision could be made at the respective Council meetings. If the Councils' decisions are affirmative, public review of the draft EIS would occur 45 days following these meetings. During late 1998, the Councils would decide on the final management measures and proposed regulations for spiny dogfish. Again, oral comments on this decision could be made to the Councils at those meetings. If the

Councils' decisions are affirmative, the EIS would be made final and submitted with the FMP and other rulemaking documents to the Secretary for review and approval. The Councils reserve the right to modify or abandon this schedule if determined necessary.

Under the Magnuson-Stevens Act, Secretarial review and approval of a proposed FMP is completed in no more than 95 days and includes concurrent public comment periods on the FMP and proposed regulations. If approved by the Secretary under this schedule, the spiny dogfish management measures would be effective in 1998 or 1999.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to David R. Keifer (see ADDRESSES) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 9, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97-24228 Filed 9-11-97; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 970828208-7208-01; I.D. 072997C]

RIN 0648-XX88

Scup and Black Sea Bass; Interstate Fishery Management Plans

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of determination of noncompliance; notice of implementation of a moratorium.

SUMMARY: In accordance with the Atlantic Coastal Fisheries Cooperative Management Act of 1993 (Act), 16 U.S.C. 5101 *et seq.*, the Secretary of Commerce (Secretary) has determined that the State of Maryland and the Commonwealth of Massachusetts are not in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Coastal Fishery Management Plans (FMPs) for scup and black sea bass and that the measures Maryland and Massachusetts have failed to implement are necessary for the conservation of the fishery in question.

Pursuant to the Act, a Federal moratorium on fishing for scup and black sea bass within Maryland and Massachusetts state waters effective November 15, 1997, is hereby declared.

DATES: This declaration is made on September 11, 1997. This moratorium will become effective on November 15, 1997, unless, by November 1, 1997, the State of Maryland and/or the Commonwealth of Massachusetts adopt and implement measures bringing themselves into compliance with the Commission's FMPs. If the State of Maryland and/or the Commonwealth of Massachusetts adopt and implement the measures required by the FMPs, the Secretary will publish an appropriate announcement in the **Federal Register** rescinding the moratorium with respect to State and/or Commonwealth.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 301-427-2014.

SUPPLEMENTARY INFORMATION:

Background

The Act was enacted to support and encourage the development, implementation, and enforcement of the Commission's FMPs to conserve and manage Atlantic coastal fishery resources.

Section 807 of the Act specifies that, after notification by the Commission that an Atlantic coastal state is not in compliance with a Commission's FMP, the Secretary shall make a finding, no later than 30 days after receipt of the Commission's determination, on: (1) Whether the state has failed to carry out its responsibilities to implement and enforce the Commission's FMP; and (2) whether the measures that the state has failed to implement and enforce are necessary for the conservation of the fishery in question. If the Secretary finds that the state is not in compliance with the Commission's FMP, and if the measures the state has failed to implement are necessary for the conservation of the fishery, the Secretary shall declare (i.e., impose) a moratorium on fishing in that fishery within the waters of the noncomplying state. The Secretary shall specify the moratorium's effective date, which shall be any date within 6 months after declaration of the moratorium. In making such a finding, the Secretary shall carefully consider the comments of the Commission, the coastal state found out of compliance by the Commission, and the appropriate Regional Fishery Management Councils.

Activities Pursuant to the Act

On June 27, 1997, the Secretary received letters from the Commission prepared pursuant to section 806(b) of the Act. The Commission's letters stated that the State of Maryland's and the Commonwealth of Massachusetts' scup and black sea bass regulations did not meet the provisions of the Commission's FMPs, and, therefore, the Commission found the State of Maryland and the Commonwealth of Massachusetts out of compliance with the FMPs as described below:

Scup

The State of Maryland has not implemented and is not enforcing the Commission's FMP for scup because it has not adopted the following measures contained in the FMP:

- a. Minimum sizes for commercial and recreational fisheries (9 inches),
- b. Minimum mesh sized for commercial fisheries (7 inches),
- c. Commercial quota limitation (4-1/2 inches),
- d. Permitting and reporting requirements,
- e. Summer closure for the commercial fishery,
- f. Pot and trap limitations, and
- g. Prohibition concerning roller gear greater than 18 inches.

The Commonwealth of Massachusetts has not implemented permit and reporting requirements and restrictions on the use of pot and trap gear.

Black Sea Bass

The State of Maryland has not implemented and is not enforcing the Commission's FMP for black sea bass because it has not adopted the following measures contained in the FMP:

- a. Minimum size for commercial fisheries (9 inches),
- b. Minimum mesh size for commercial fisheries (4 inches),
- c. Pot and trap restrictions, and
- d. Restriction on roller gear in excess of 18 inches.

The Commonwealth of Massachusetts has not implemented and is not enforcing the Commission's FMP for black sea bass because it has not adopted the pot and trap restrictions contained in the FMP.

The Commission's letters also suggested that the Secretary use his discretionary authority under the Act to delay the date of the moratorium for up to 6 months, because both states are making an effort to come into compliance.

Both states have agreed with the Commission's determination that they are not in compliance, but are taking

action to be in compliance with both Commission FMPs by September 19, 1997, for Massachusetts, and October 20, 1997, for Maryland. Further comments were received from the Commission; the New England and Mid-Atlantic Fishery Management Councils; NMFS' Northeast Science Center; and the Department of Interior's U.S. Fish and Wildlife Service.

Determination Regarding Compliance by the State of Maryland and the Commonwealth of Massachusetts

Based on a careful analysis of all relevant information, and taking into account comments presented by the State of Maryland and the Commonwealth of Massachusetts, the Secretary has determined that the State of Maryland and the Commonwealth of Massachusetts are not in compliance with the Commission's FMPs for scup and black sea bass. This determination is based on Maryland's and Massachusetts' failure to implement and enforce regulatory measures established in the Commission's scup and black sea bass FMPs. Further, the Secretary has determined that enforcement of these measures is necessary for the conservation of scup and black sea bass.

Although the State of Maryland and the Commonwealth of Massachusetts are not in compliance with the Commission's FMPs for scup and black sea bass, because they are making expeditious efforts to promulgate regulations which would bring themselves into compliance by November 1997, the Secretary is delaying the effective date of the moratorium until November 15, 1997. If the State of Maryland and/or the Commonwealth of Massachusetts adopt and implement measures bringing themselves into compliance, the Secretary will publish an appropriate announcement in the **Federal Register** rescinding the moratorium with respect to the State and/or the Commonwealth. If the State of Maryland and/or the Commonwealth of Massachusetts have not promulgated appropriate regulations by November 1, 1997, the moratorium will go into effect as of November 15, 1997. In such case, NMFS will promulgate a final regulation prohibiting fishing for scup, black sea bass, or both within Maryland and/or Massachusetts state waters, effective November 15, 1997. Delaying the effective date of the moratorium until November 15, 1997, will not significantly diminish conservation efforts because each state does have conservation measures in effect, although they do not meet the

Commission's FMPs for scup and black sea bass.

NMFS will notify the Governors of Maryland and Massachusetts of this action and will promulgate the regulations in the **Federal Register** necessary to implement this moratorium effective November 15, 1997. If the moratorium goes into effect, the Secretary will terminate it immediately with respect to the State and/or the Commonwealth upon receipt of notification from the Commission, and if the Secretary concurs with the Commission, that the State and/or the Commonwealth of Massachusetts have taken appropriate remedial actions to bring themselves into compliance.

Dated: September 9, 1997.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97-24203 Filed 9-11-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 090897A]

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold a public meeting.

DATES: The meeting will be held on Monday, September 29, 1997 at 1:00 p.m. and will continue through Friday, October 3, 1997. The Tuesday through Friday sessions will begin at 8:00 a.m. and may go into the evening until business for the day is completed.

ADDRESSES: The meeting will be held in the conference room at the Council office, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Glock, Groundfish Fishery Management Coordinator; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the meeting is to prepare analyses and reports for the Council's November 1997 meeting. The GMT will address topics as drafting assignments are prepared and completed during this meeting. As a result, daily agendas or schedules will not be available in advance of the